

Planning Commission Meeting for New Castle City took place on October 26, 2009 at 6:30 p.m. in the City of New Castle's Town Hall.

Members Present: Bill Simpson, Co-Chair
Joe DiAngelo
Florence Smith
Dorsey Fiske
Dr. Jack Norsworthy
Vera Worthy

Members Absent: David Bird, Chair
Bill Simpson, Co-Chair
Dan Knox

Staff Present: Marian Hull, URS, City Planner

City Personnel: Jeff Bergstrom, City Building Inspector
John F. Klingmeyer, Mayor

City Council: Ted Megginson

Dr. Newsworthy called the meeting to order at 7:15 p.m. Roll call was taken.

Approval of Minutes – A motion was made and seconded to approve the minutes of the 9/28/09 meeting. The minutes were adopted by unanimous vote.

Proposed Re-Zoning of the Abex Site on 700 West 7th Street & 610 W. 7th Street (2101700127 & 2101400132) from Industrial to General Commercial and to Rezone 0 W. 7th Street (2101700126) from Open Space & Recreation to General Commercial –
Ms. Fiske has several questions. The OSR site to the east of the road is a very sensitive area that has Trustee land around it that has been capped. If foundations for condominiums are driven there it may compromise the capping. Her other concern is with General Commercial (GC) rezoning with some special exceptions. Ms. Hull indicated this is an issue that needs to be addressed by this Commission by speaking to the applicant about what they would and would not be willing to do.

Mr. Mark Parker of Landmark Engineering, representing both current and future dual ownership, of the parcel then presented to the Commission. Mr. Parker used illustrations to describe their plans for the site. They will be requesting a special exception for the density that will be done through Ms. Hull. The plan meets all subdivision and zoning standards for the GC zoning classification. One change from what was noted at the last Planning Commission meeting concerns the church piece. They have been working with the City and an environmental engineer (Greystone Engineering) as part of the Green Project Reserve to address the wetlands that are located on a portion of the property. They are in poor shape by DNREC standards. As part of the Brownfield Program they will be working to create a high quality wetland area. *(Mr. Parker further explained the wetlands portion of the plans.)*

Benefits to the City – The Green Project Reserve will provide storm water upgrades to Washington Park. The applicant propose using five (5) discharge points that will provide necessary wetland habitat through filter strips and bio swales, non-structural quality control. *(Mr. Parker described how storm water ponding will be handled on other parts of the site.)* The site will be subject to an environmental clean up in accordance with DNREC, EPA and Corps of Engineers regulations.

Benefits to the Community – The church and adjoining complex will be a gateway to the City thus creating new jobs while the retail portion provides additional tax base. The church will be conducting health fairs that will be available to the community as well as the new gymnasium that is planned for the church site. There will also be a river walk accessible from the area benefiting residents.

Mr. Bill Ganc of White Realty addressed Ms. Fiske's concerns as noted earlier in the meeting. With regard to the capped area of the site, anything with DNREC oversight must be reported to that agency before doing any work and then we must do the work in the manner that DNREC deems necessary. Regarding the GC zoning his rationale for ensuring more desirable businesses move into the retail space, the applicant is receptive to deed restrictions permitting what will and will not be permissible in the area. Ms. Hull clarified that the only zoning that a church fits in currently is GC.

Ms. Smith asked if State Route 9 would be widened. Mr. Ganc indicated he doesn't believe that DelDOT will not require widening of the road. At this time there are pedestrian and bicycle safety improvements being planned for that roadway. Ms. Smith is concerned with the increase in traffic in the area as a result of the project. *(Mr. Parker detailed DelDOT's area wide study process.)*

Dr. Norsworthy asked if the owners would consider allowing for road setbacks for possible future widening due to future development of this area. Mr. Parker said they would be open to discussing this issue with DelDOT and work with Ms. Hull's office through the process. Dr. Norsworthy is concerned with traffic running smoothly in this area. He also questioned how much of the property is currently paved and the condition of the sluice gates at the marsh; he is concerned with flooding. He stressed looking at potential dangers that could take away from the City. Mr. Parker said that a flood study is being done at this time per the Green Project Reserve. Mr. Bergstrom noted that this Brownfield site can't get too impervious to suit the regulators.

Mr. DiAngelo asked if State Route 9 is a four-lane road at this time with only two lanes being used. Mr. Parker's response was that the shoulders are adequate for turn lanes and bypass lanes. The idea of State Route 9 going to two lanes in either direction in this area goes against all ideas of what the City has for a calmer, rural road.

Character of the Neighborhood – Mr. Parker continued his presentation using the illustrations to describe plans for the site.

Dr. Norsworthy asked Ms. Hull to clarify that what this body is voting on this evening is strictly a zoning change and does not deal with site plans. Ms. Hull did clarify that the Planning Commission is being asked to make a recommendation to City Council concerning a zoning change only for this area.

Mayor Klingmeyer expressed concern with having a thorough study made looking at everything being proposed in this plan before rendering a decision. Planning Commission members are not experts. He cited processes that the County has used in such matters. He also questioned whether there are any legal problems associated with using deed restrictions as part of zoning. Mr. James Harker, counsel for the project, said New Castle County objects to being the one determining whether restrictions are enforced or not enforced.

Ms. Hull informed that the applicant has worked closely with the City for the last few months and the City has pushed back on a number of issues. The rezoning is consistent with our old and new Comprehensive Plan. She added that the applicant has provided a lot of information on their intent for this site. *(Lengthy discussion followed.)*

Dr. Norsworthy acknowledged that Commission members are not experts, but asked the Mayor what he means by doing further studies. The Mayor was concerned that Commission members are satisfied with the work and information that Ms. Hull has provided to guide this body to make a recommendation or if additional information is needed. Dr. Norsworthy believes this plan is in line with the Comprehensive Plan and is what the City wants.

Mr. Parker added that he has approached Ms. Hull about doing a concurrent review. At the County level the plan does go before Planning and Engineering at some level before zoning is approved. It helps the land owner if changes are made that are less palatable to that owner. Due diligence will be high with this plan because of the close working relationship we have Ms. Hull, Green Project Reserve, DNREC, EPA and others.

Mr. DiAngelo made a motion to recommend to City Council that we recommend approval to rezone the Abex Site on 700 West 7th Street & 610 W. 7th Street (2101700127 & 2101400132) from Industrial to General Commercial and to Rezone 0 W. 7th Street (2101700126) from Open Space & Recreation to General Commercial. Ms. Smith seconded the motion.

A roll call vote was taken.

Ms. Worthy – Voted in favor because she sees the area will be a benefit to the City, that residents and the church and business that will be there will take away the eyesore in the area and it will be a benefit to the City.

Ms. Fiske – Voted in favor because much has been discussed with DNREC and the various environment agencies and it is something that will improve that area of the City.

Ms. Smith – Voted in favor because of its benefits to the City.

Mr. DiAngelo – Voted in favor because it supports the Comprehensive Plan and will take care of that end of the City.

Dr. Norsworthy – Voted in favor citing it conforms to the Comprehensive Plan and it will be a good quality part of New Castle that will bring good tax dollars. His major concern is traffic and when designing the property this issue needs to be looked into. He will continue to focus on this issue.

The motion was approved to recommend approval of the rezoning proposal.

Discussion on Comprehensive Plan Implementation – Ms. Hull reported that she and Mr. Bergstrom have been working the last month to determine potential proposed services from New Castle County and ordinance work for mixed-use ordinances and clarifying what needs to get done. This will be a multi-year process. We need to understand what resources we have available will allow to better use our allocated monies. She is hopeful to have a formal proposal for this body to consider at the next meeting and to forward to City Council that will tell us what we will get out of our budget and what we can get from pro bono services from the County. The first step is a community meeting which she advised should be held in early 2010.

General Discussion

Zoning – Ms. Hull said one of the many problems with the City's zoning ordinance is the jump between the commercial districts. Discussion about new zoning classifications or revamping what is currently in place. General Commercial is very permissive and is a combination of an industrial and highway commercial district. *(She offered her opinion on the type of mixed-use zoning the City needs to adopt.)* Dr. Norsworthy suggested considering changes in zoning in the near future.

Ms. Fiske said that the Trustees have been approached by the Family Foundation School about doubling the size of their student population. Parking is an issue at this location; many cars are using the shoulder on the main road for overflow parking now. Ms. Hull informed that any enlargement proposal will need to go through this body as well as the State PLUS review. *(Further discussion about traffic issues took place.)*

Next Meeting -- Our next meeting is scheduled for 11/23/09 at 6:30 p.m.

Adjournment – **Ms. Fiske made a motion to adjourn the meeting. Ms. Smith seconded the motion which was approved by unanimous vote. The meeting was adjourned at 8:15 p.m.**

Respectfully submitted,

Debbie Turner
Stenographer